

### **REMARKS**

Claims 1-2, 4-18, 22, 28, 30-32, and 34-38 are now pending in the application. Claims 1, 4, 10, 12, 14-17, 22, 28, and 34-35 have been amended herein. Claim 31 has been cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **EXAMINER INTERVIEW**

Applicant would like to thank the Examiner for the care taken in examining the claims and for the telephonic interview conducted on Tuesday, April 11, 2006. The claims were discussed. No agreement was reached.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 22, 28 and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pryor (US Patent No. 5,380,978). This rejection is respectfully traversed. At the outset, Applicant respectfully submits that the originally filed claims are patentably distinct over the references.

Applicant respectfully disagrees with the Examiner's discussion of the art. Pryor does not teach or suggest the employing the riveting device to drive a connecting element into permanent engagement with a component. The Examiner has stated the teachings of Pryor use of a workpiece and a bolt attachment as suggested in column 34 of Pryor. A bolt is not analogous to a rivet. A bolt is a threaded rod with a head on one end designed to be inserted through holes, a nut is placed on the threads on the end opposite the head and is tightened by applying torque. In order for a bolt to be a

fastener, it requires two pieces: a first piece, the bolt, and a second piece, the nut, that is screwed onto the threads of the bolt by applying torque. A rivet (such as for example a solid rivet, a hollow rivet, a blind rivet, a pop rivet, a self-piercing rivet, and the like) is a single piece fastener having a headed pin having a head on one end and is inserted into pieces to be joined and then clinched or hammered to form a second head to fasten the pieces. A rivet is a permanent joint whereas a bolt and nut is a removeable joint since they may be unscrewed. A bolt uses a screw thread and a force of torque to fasten whereas a rivet uses a straight force, and impact due to hammer, mandrel, or anvil to form a second head. A bolt is not analogous to a rivet and, therefore, the cited reference of Pryor is not appropriate as a § 102(b) rejection for Claim 22 as written. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

However, in an effort to expedite prosecution, Applicant has amended Claim 28 removing "connecting element" and replacing it with the term "rivet." As discussed above, Pryor fails to teach or suggest the claimed combination of elements, especially as amended. More specifically, Pryor teaches the use of a camera control system to determine the position of the target data and a tool controlled by a robotic arm using photogramatic principles and three or more data points, which are compared in a computer program for the actual position that is desired. Pryor fails to teach the use of a single light beam on a single point without the use of a camera or other detector. Although Pryor may suggest bolt attachment in column 34 as discussed above, bolt attachment is not analogous to a rivet. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

Claims 1-2, 4-6, 10-18, 31, 34, 36 and 37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stegmann et al. (US Patent No. 6,415,050). This rejection is respectfully traversed.

Applicant has amended Claims 1, 4, 10, and 12 by deleting “processing” and “process” and replacing the terms with “riveting” and “rivet.” In addition, Applicant has amended Claim 1 to replace the term “connecting elements” with the term “rivet.” Support for these amendments can be found in Figures 1, 2, and accompanying text. In contrast, Stegmann et al. fails to teach or suggest the claimed combination of elements, especially as amended. For example, Stegmann et al. teaches imaging a two-dimensional CAD design onto a three-dimensional object. Stegmann et al. fails to teach or suggest any means of connecting or riveting at least one rivet connectable to at least one component. In addition, Stegmann et al. fails to teach or suggest a riveting device operable to rivet at least one component. Furthermore, the teachings of Stegmann et al. are not capable of performing the riveting a rivet into at least one component. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

In addition, Applicant has amended Claim 15 to “a riveting device operable to drive at least one connecting element into permanent engagement into at least one component.” Support for this amendment can be found in Figures 1, 2, and the accompanying text. In contrast, Stegmann et al. fails to teach or suggest the claimed combination of elements, especially as amended. For example, Stegmann et al. fails to teach or suggest a riveting device operable to drive at least one connecting element into permanent engagement with at least one component. Furthermore, the teachings of

Stegmann et al. are not capable of performing the driving of at least one connecting element into permanent engagement with at least one component. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

Applicant has amended Claim 17 to include a riveting device operable to force at least one connecting element into at least one component and to connect the at least one connecting element to the at least one connecting component. Support for this amendment can be found in Figures 1, 2, and the accompanying text. In contrast, Stegmann et al. fails to teach or suggest the claimed combination of elements, especially as amended. For example, Stegmann et al. fails to teach or suggest a riveting device operable to force at least one connecting element into at least one component and to connect the at least one connecting element to the at least one connecting component. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

Claims 1-2, 4-18, 31, 34, 26 and 37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kiyoi et al. (US Patent Publication No. 2002/036779). This rejection is respectfully traversed.

However, in an effort to expedite prosecution, Applicant has amended Claim 1, as discussed above. In contrast, Kiyoi et al. fails to teach or suggest the claimed combination of elements, especially as amended. For example, Kiyoi et al. teaches a three-dimensional measuring apparatus and does not teach or suggest a riveting device operable to rivet at least one component. The Examiner references a screw in paragraph 112, the screw, which is shown in Figure 7, as item 44a, is an adjusting screw that is used to change the angle of the laser in the optical bench. The teachings

of Kiyoi et al. are not capable of performing riveting a rivet into at least one component. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

In addition, Applicant has amended Claim 15, as discussed above. In contrast, Kiyoi et al. fails to teach or suggest the claimed combination of elements, especially as amended. Kiyoi et al. fails to teach or disclose a riveting device operable to drive at least one connecting element into permanent engagement into at least one component. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

Furthermore, Applicant has amended Claim 17, as discussed above. In contrast, Kiyoi et al. fails to teach or suggest the claimed combination of elements, especially as amended. For example, Kiyoi et al. fails to teach or suggest a riveting device operable to force at least one connecting element into at least one component and to connect the at least one connecting element to the at least one component. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 32, 35 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stegmann et al. (US Patent No. 6,415,050). This rejection is respectfully traversed.

However, in an effort to expedite the prosecution, Applicant has amended the parent of Claim 32, mainly Claim 1, the parent of Claim 25, mainly Claim 15, as well as the parent of Claim 38, mainly Claim 17. All of these amendments to the parents are

discussed above. Applicant contends that the Examiner has failed to state a *prima facie* case of obviousness. All claim limitations must be taught or suggested to establish a *prima facie* case of obviousness for the claimed invention. All claim limitations must be taught or suggested by the prior art. In Re Royka, 490 F2d 981, 180 USPQ 580 (CCPA 1974). As stated above, Stegmann et al. fails to teach or suggest the claimed combination of elements, especially as amended. Furthermore, the teachings of Stegmann et al. are not capable of riveting a rivet into at least one component. If an independent claim is not obvious under 35 U.S.C. § 103, then any claim depending thereof is not obvious. In Re Fine, 837 F2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Since the parent claims (Claims 1, 15, and 17) for which these claims (Claims 32, 35, and 38) depend were found to be non-obvious under 35 U.S.C. § 103 by the Examiner, the dependent claims must be non-obvious as defined by In Re Fine. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

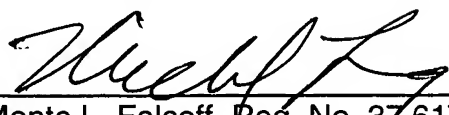
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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